

# MANDATE

E.D.N.Y.-Bklyn.  
15-cv-7381  
Johnson, J.

## United States Court of Appeals FOR THE SECOND CIRCUIT

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At a stated term of the United States Court of Appeals for the Second Circuit, held at the Thurgood Marshall United States Courthouse, 40 Foley Square, in the City of New York, on the 19<sup>th</sup> day of February, two thousand twenty-one.

Present:

Denny Chin,  
Michael H. Park,  
*Circuit Judges,*  
Kiyo A. Matsumoto,  
*District Judge.*<sup>1</sup>

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Apple Inc.,

*Petitioner,*

20-3627

v.

Chaim Lerman, on behalf of himself and others similarly  
situated, James Vorrasi, Roslyn Williams,

*Respondents.*

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Petitioner requests, pursuant to Federal Rule of Civil Procedure 23(f), leave to appeal the district court's order granting class certification. Petitioner also moves for leave to file a reply and to file its petition and reply under seal. Respondents move to file their opposition to the petition and their opposition to the motion for leave to file a reply under seal. Upon due consideration, it is hereby ORDERED that the motions for leave to file a reply and to file documents under seal are GRANTED, but the Rule 23(f) petition is DENIED because an immediate appeal is not warranted. *See Sumitomo Copper Litig. v. Credit Lyonnais Rouse, Ltd.*, 262 F.3d 134, 139–40 (2d Cir. 2001).

FOR THE COURT:

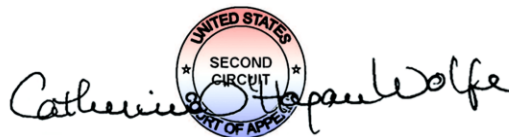

Catherine O'Hagan Wolfe, Clerk of Court

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Catherine O'Hagan Wolfe, Clerk

United States Court of Appeals, Second Circuit

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<sup>1</sup> Judge Kiyo Matsumoto, of the United States District Court for the Eastern District of New York, sitting by designation.

MANDATE ISSUED ON 02/19/2021